

No.

3. Yet, according to financial filings with the CFTC, Comtrust Inc. currently has net capital of \$1,012,955. See Exhibit A. The status quo is that Comtrust Inc. has this money according to the filing it made with the CFTC. This amount will be sufficient to satisfy the award if no transfers or disposition of assets is made to either conceal assets or to transfer them to corporate insiders or any related entity.

4. Plaintiff Bell is 81 years old and suffers from significant loss of his mental faculties. He can not remember where he went to high school or whether he retired in 1995 or 1965. The award represents a substantial part of his life savings.

5. In addition to the Bell award, Comtrust Inc. is facing an action from the NFA seeking its expulsion from the industry and a fine of up to \$250,000. Further, Comtrust's counsel states there are other pending arbitration cases.

6. In order to obtain a temporary restraining order, a plaintiff must meet four requirements: (a) likelihood of success on the merits, (b) irreparable injury, (c) that the threatened injury to plaintiff outweighs the potential harm to defendant, and (d) that the relief will not be a disservice to the public interest. Chicago Regional Council of Carpenters Welfare Fund v. Johnson, 2006 U.S. Dist. LEXIS 77773 at * 4 (N.D. Ill. 2006).

7. Each element is satisfied here. As in the case of O'Connor v. Powell, 2000 U.S. Dist. LEXIS 8345 (N.D. Ill. 2000), if assets are transferred, plaintiff will suffer irreparable harm. Plaintiff is 81 years old and has lost his mental faculties. He is not in a position to litigate fraudulent concealment cases for the next several years in state courts. According to public filings with the CFTC, Comtrust Inc. can satisfy the Award now if there are no

fraudulent transfers of assets. Yet, counsel for Comtrust states there are not enough assets to pay the Award, that the company is about to close down its business, and Comtrust Inc. refuses to provide plaintiff with any financial information or records. Thus, plaintiff will face immediate and irreparable harm if a temporary restraining order is not issued to preserve the status quo and prevent the transfer of assets or funds.

8. Plaintiff is likely to succeed on the merits of his claim since the Federal Arbitration Act gives federal courts very limited authority to vacate arbitration awards. R. J. O'Brien Associates, Inc. v. Pipkin, 1994 U.S. Dist. LEXIS 3373 (N. D. Ill. 1994) at *2.

9. The threat of injury to Plaintiff outweighs any potential harm to Defendant since Defendant is planning on going out of business according to its lawyer.

10. The public interest is best served by ensuring that NFA members file truthful financial reports with the CFTC and have sufficient net capital on hand to pay customer awards. There will be no public disservice by issuing a temporary restraining order. Freeze orders are appropriate to make sure that injured customers can obtain relief. As stated by the Seventh Circuit in FTC v. World Travel Vacation Brokers, Inc., 861 F. 2d 1020, 1030 (7th Cir. 1988) in affirming a preliminary injunction freezing assets, "... the district court had a duty to ensure that the assets of the corporate defendants were available to make restitution to the injured customers".

Wherefore, plaintiff prays that defendant be temporarily restrained and preliminary enjoined from transferring, dispersing, moving, withdrawing, spending or otherwise

disposing of any funds or assets until it satisfies the aforesaid Award other than payments to trade creditors in the normal course of business.

John T. Bell

By Howard B. Prossnitz

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SELECTED FCM FINANCIAL DATA AS OF
October 31, 2007
FROM REPORTS FILED BY
November 30, 2007

1 of 5

Futures Commission Merchant	B/D?	DSRO	A/O Date	Adjusted Net Capital	Net Capital Requirement	Excess Net Capital	Customers' Seg Required 4d(a)(2)	Customer Amount Pt. 30 Required
(a)	(b)	(c)	(d)	(e)	(f)			
1 3D FOREX, LLC	N	NFA	10/31/2007	8,340,374	500,000	7,840,374	0	0
2 ABBEY NATIONAL SECURITIES INC	Y	NFA	10/31/2007	137,564,765	23,533,020	114,031,745	302,027,507	0
3 ADM INVESTOR SERVICES INC	N	CBOT	10/31/2007	160,989,606	55,592,602	101,397,004	1,111,568,511	43,207,840
4 ADVANCED MARKETS INC	N	NFA	10/31/2007	1,322,437	1,000,000	322,437	0	0
5 ADVANTAGE FUTURES LLC	N	CME	10/31/2007	19,246,863	3,536,540	15,710,343	154,954,961	20,837,155
6 AIG EDWARDS & SONS INC	Y	CBOT	10/31/2007	1,262,701,677	33,043,393	1,229,658,284	266,448,504	2,703,350
7 AIG CLEARING CORPORATION	N	NYME	10/31/2007	293,303,386	40,598,943	252,704,443	12,427,362	0
8 ALARON TRADING CORPORATION	N	CME	10/31/2007	7,288,333	3,121,904	4,166,429	160,344,227	6,451,075
9 ALPARI (US) LLC	N	NFA	10/31/2007	2,481,626	1,000,000	1,481,626	0	0
10 BACERA CORPORATION	N	NFA	10/31/2007	2,300,145	1,000,000	1,300,145	0	0
11 BANC OF AMERICA SECURITIES LLC	Y	CME	10/31/2007	2,116,052,393	351,855,130	1,764,197,263	1,924,982,020	14,276,393
12 BARCLAYS CAPITAL INC	Y	NYME	10/31/2007	1,314,404,218	389,276,055	925,128,163	3,630,489,227	2,150,112,316
13 BEAR STEARNS & CO INC	Y	NFA	10/31/2007	(g)	549,111,916	(g)	0	0
14 BEAR STEARNS SECURITIES CORP	Y	CME	10/31/2007	4,425,434,636	1,201,022,349	3,224,412,287	2,843,199,364	765,230,551
15 BGC SECURITIES	Y	NFA	10/31/2007	3,748,994	500,000	3,248,994	0	0
16 BNP PARIBAS COMMODITY FUTURES INC	N	NYME	10/31/2007	153,340,998	99,778,659	53,562,339	827,622,189	235,596,448
17 CADENT FINANCIAL SERVICES LLC	N	CME	10/31/2007	6,907,539	4,771,199	2,136,340	204,888,687	1,318,533
18 CALYON FINANCIAL INC	Y	CME	10/31/2007	739,338,990	456,645,942	279,693,048	7,131,518,991	1,495,303,075
19 CANTOR FITZGERALD & CO	Y	CBOT	10/31/2007	180,681,050	2,122,125	178,558,925	8,304,081	0
20 CAPITAL MARKET SERVICES LLC	N	NFA	10/31/2007	10,883,200	3,928,074	6,955,126	0	0
21 CIBC WORLD MARKETS CORP	Y	CME	10/31/2007	1,130,913,238	21,119,238	1,109,794,000	0	0
22 CITIGROUP GLOBAL MARKETS INC	Y	CBOT	10/31/2007	(g)	865,197,852	(g)	10,157,630,616	429,806,331
23 CLIFF LARSON COMPANY THE	N	NFA	10/31/2007	939,865	539,137	400,728	10,352,717	0
24 CMC MARKETS (US) LLC	N	NFA	10/31/2007	2,139,494	1,000,000	1,139,494	0	0
25 COMTRUST INC	N	NFA	10/31/2007	1,012,955	586,139	426,816	12,919,827	0
26 COUNTRY HEDGING INC	N	NFA	10/31/2007	18,061,439	10,545,405	7,516,034	134,272,255	0
27 CREDIT SUISSE SECURITIES (USA) LLC	Y	CBOT	10/31/2007	5,197,669,065	165,952,652	5,031,716,413	1,764,465,273	980,409,484
28 CROSSLAND LLC	N	CBOT	10/31/2007	3,630,929	500,000	3,130,929	13,676,901	103,035
29 CUNNINGHAM COMMODITIES LLC	N	CBOT	10/31/2007	3,359,255	894,471	2,464,784	25,836,429	0
30 DAWA SECURITIES AMERICA INC	Y	CME	10/31/2007	222,476,164	2,345,625	220,130,539	6,677,775	1,138,811
31 DEUTSCHE BANK SECURITIES INC	Y	CBOT	10/31/2007	2,635,354,234	259,928,752	2,375,425,482	4,506,155,962	1,225,474,507
32 DIRECT FOREX LLC	N	NFA	10/31/2007	728,289	500,000	228,289	0	0
33 DORMAN TRADING LLC	N	CME	10/31/2007	10,646,645	500,000	10,146,645	47,041,161	94,982
34 DUNAVANT COMMODITY CORP	N	NFA	10/31/2007	37,061,053	1,235,105	35,825,948	0	0
35 EFX OPTIONS LLC	N	NFA	10/31/2007	4,530,543	1,000,000	3,530,543	0	0
36 EAGLE MARKET MAKERS INC	N	CBOT	10/31/2007	5,500,559	500,000	5,000,559	10,532,718	0
37 EASY FOREX US LTD	N	NFA	10/31/2007	3,789,605	2,000,000	1,789,605	0	0
38 ED & MAN COMMODITY ADVISORS INC	N	NFA	10/31/2007	1,246,738	500,000	746,738	0	0
39 ELECTRONIC BROKERAGE SYSTEMS LLC	Y	NFA	10/31/2007	10,517,866	500,000	10,017,866	236,188,752	156,683
40 ENSKILDA FUTURES LTD	N	CME	10/31/2007	20,772,977	9,082,902	11,690,075	0	0
41 FARR FINANCIAL INC	N	NFA	10/31/2007	1,482,426	583,132	899,294	35,612,832	0
42 FC STONE LLC	N	CME	10/31/2007	86,747,911	41,771,267	44,976,644	954,485,935	4,709,718
43 FIMAT USA LLC	Y	NYME	10/31/2007	606,236,459	473,240,095	132,996,364	6,965,977,129	1,989,220,642
44 FIRST CAPITOL GROUP LLC	N	NFA	10/31/2007	6,480,456	1,775,377	4,705,079	73,096,569	87,999
45 FOREX CAPITAL MARKETS LLC	N	NFA	10/31/2007	65,255,249	13,407,759	51,847,490	0	0
46 FOREX CLUB FINANCIAL COMPANY INC	N	NFA	10/31/2007	3,320,420	1,000,000	2,320,420	0	0